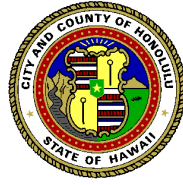


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR

JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

Date and Place: November 15, 2017
Kapālama Hale
1st Floor Conference Room

Present: Hon. Victoria Marks (ret.), Chair
Michael Lilly, Esq., Vice Chair

Peter S. Adler, Commissioner
Hon. Riki Amano (ret.), Commissioner
Lynette Lo Kanda, Commissioner
David B. Monk, Commissioner

Jan K. Yamane, Executive Director and Legal Counsel
Laurie Wong-Nowinski, Associate Legal Counsel
Janice Yonamine, Investigator
Lisa P. Parker, Legal Clerk III

Moana Yost, Deputy Corporation Counsel,
Department of the Corporation Counsel (COR)
Dr. Kioni Dudley, Member of the Public

Absent: Hon. Allene Suemori (ret.), Commissioner

MINUTES OF THE ETHICS COMMISSION MEETING

I. Call to Order, Public Notice, Quorum

Chair Marks called the meeting to order at 11:36 a.m. and announced that all Commissioners were present, with the exception of Commissioner Suemori.

II. New Business

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution
2. For Action: Approval of Open Session Minutes of September 20 2017

Vice Chair Lilly made and Commissioner Monk seconded a motion to approve the open session minutes of September 20, 2017. The motion carried unanimously.

3. For Action: Approval of Executive Session Minutes of September 20, 2017

Vice Chair Lilly made and Commissioner Monk seconded a motion to approve the exec session minutes of September 20, 2017. The motion carried unanimously.

B. Executive Director and Legal Counsel's Report

1. Staff Work Reports Summary

The EDLC summarized staff work highlights. Legal Clerk III processed, scanned and archived documents and attended team building training. Legal Clerk I continued with office scanning and archiving. She also coordinated online training refinements and training coordinator sessions and updated lobbyist forms and standard operating procedures.

The EDLC reported that law school intern William Iwaoka completed all assigned advisory opinion summaries (107 of 107). Summaries assigned to the second law school intern remain pending. Chair Marks requested that the EDLC contact the law school for other law interns.

The EDLC informed the Commission that the Investigator's duties were ongoing and that she also attended team building training. Now that online training development is largely complete, the ALC has experienced a reduction in time spent on training and has spent almost an equal amount of time working on complaints and administration.

2. Statistics

a. Website Sessions

There were 431 website sessions for September 2017; 535 for October 2017.

b. Complaints and Requests for Advice, FY2018 (by quarter)

In the 1st quarter FY2018, there were 18 complaints and 67 requests for advice.

i. Complaints, FY2015 – FY2018 (by quarter)

The number of complaints received in the 1st quarter, FY2018, was lower than in the prior three fiscal years.

ii. Requests for Advice, FY2015 – FY2018 (by quarter)

More requests for advice were received in the 1st quarter, FY2018, than in fiscal years 2015 and 2017, but fewer than in FY2016.

Chair Marks asked if the increase in the number of requests for advice resulted from recent training; the EDLC responded that it was too soon to make that correlation.

3. Budget

- a. FY2018 Operating Budget – None
- b. FY2019 Operating Budget Request – None

4. Education and Outreach

- a. Ethics Training Program – Update

The EDLC stated that three online training sessions were conducted for departmental training coordinators and that training application refinements were made based on feedback received. She reported that the Department of Information Technology was still working on its application for non-domain users. Currently the Commission pays for private software, Mindflash. If not completed soon, the EDLC may have to request FY2019 funding for Mindflash.

Commissioner Kanda stated and Commissioner Amano agreed that training deadlines in the corporate world are usually about one week. Shorter deadlines would reduce the number of Mindflash seats needed to train board and commission members.

- b. US State Department, Professional Fellows Program – Ms. Tetiana Kheruvimova – Report

The EDLC informed the Commission that Chair Marks, Commissioner Monk, ALC, and EDLC met with Professional Fellow Tetiana Kheruvimova on October 30, 2017. Commissioner Monk provided background on the U.S. State Department, Professional Fellows Program, and had asked the EDLC to schedule a meeting with Ms. Kheruvimova. Commissioner Monk stated that fellows are assigned a one-month agency placement, with a reverse program exchange arrangement. Participating countries include the U.S., Soviet Union, Turkey, and various Asian countries. He thanked the Chair, EDLC and ALC for their support.

Chair Marks, the ALC, and EDLC provided additional feedback on the meeting, which all agreed was interesting and educational. Chair Marks informed the Commission that the fellow had attended the international Society of Corporate Compliance and Ethics (SCCE) conference and asked the EDLC to inquire with SCCE about an international code of ethics.

- c. University of Hawai‘i at Mānoa, Master’s in Public Administration, Class on Leadership and Ethics – Report

The EDLC was invited to speak at a Master's in Public Administration course in Leadership and Ethics at UH Mānoa.

Chair Marks asked for a newsletter to be sent out and to include gifts. The ALC agreed and responded with other suggestions. Chair Marks also suggested a "Dos and Don'ts" section. Vice Chair Lilly commented that with gifts, "when in doubt, decline."

5. Audit – None

6. Legislation – None

7. Education Opportunities

a. Society of Corporate Compliance and Ethics (SCCE), 16th Annual Compliance & Ethics Institute, October 15-18, 2017 – Report

Chair Marks reported that there were approximately 1,500 attendees and that the conference was well-organized and one of the best she's ever attended. There were two-and-a-half (2 ½) days of meetings and break-out sessions, all of which were very informative. Vendor exhibitors showcased pre-packaged training tools and information.

Commissioner Amano commented on two, one-hour speakers who were particularly inspiring. Attendees earned continuing legal education credits, including ethics credits. The Society has about 18,000 members.

Commissioner Adler suggested that the newsletter include an article on conference attendance.

The EDLC described a panel discussion on "What to Do When the Wall Street Journal Calls," which provided suggestions and practical advice on dealing with the media. The EDLC asked Commissioner Kanda if she would be willing to provide the Commission and staff with strategic communication and media training. Commissioner Kanda agreed.

b. Common Cause, *Ethics in Government: Theory or Practice?*, November 7, 2017, BoxJelly and Live Streamed on Facebook – Report

The EDLC informed the Commission that Commissioners Adler and Monk and the ALC and EDLC attended the training. Speakers included Dan Gluck, State Ethics Commission; Ian Lind, Investigative Reporter; Kristen Izumi-Nitao, Campaign Spending; and Cory Tanida, Common Cause.

Commissioner Adler commented that there is a huge push to get people to vote and that one idea was to make voting mandatory.

c. Council on Government Ethics Laws (COGEL), Annual Conference, December 3-6, 2017, Sheraton Centre Toronto, CA

The EDLC informed the Commission that her travel request to COGEL was approved. State Ethics Commission members and staff, as well as Campaign Spending Commission members and staff, also plan to attend.

Vice Chair Lilly made and Commissioner Monk seconded a motion to go into Executive Session. The motion carried unanimously.

- III. Executive Session (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(4), HRS, to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.)
- A. For Discussion: Kealoha vs. Totto, Civil No. 16-1-1166 GWBC in the Circuit Court of the First Circuit, State of Hawai'i, and Civil No. 1:16-CV-16-00682 JMS-KSC in the United States District Court for the District of Hawai'i
 - B. Independent Ethics Investigator Retained Due to Conflict of Interest – None
 - C. For Discussion: Administration of the Ethics Commission's Budget and Research on the Term Administrative Purposes, as Stated in Revised Charter of Honolulu Section 11-107
 - D. For Discussion: Request for Reconsideration of Ethics Investigation Conclusion Letter Dated October 6, 2017, Pursuant to Ethics Commission Rules of Procedure Section 5.5(2)(b)

Vice Chair Lilly made and Commissioner Kanda seconded a motion to go back to Open Session. The motion carried unanimously.

Chair Marks reported that the Commission conferred with its attorney in Executive Session item III.A; item III.C. was deferred to the December 20, 2017, Ethics Commission meeting; and item III.D. was denied.

- IV. For Discussion: Strategic Planning

- A. Draft Incorporating Comments Received (dated November 15, 2017)

Chair Marks asked Commissioners to review the draft and provide edits, if any.

Commission Adler requested that action steps be added in the section dealing with short term actions and accelerators for next year, 2018.

Chair Marks asked staff to come up with a list of accomplishments for 2017 and also asked for a list of action steps or goals for 2018. Chair Marks stated that, pursuant to Chapter 92, Hawai'i Revised Statutes, two meetings must be held before adoption of the plan.

The EDLC suggested drafting an Ethics Commission annual report. Currently, the Commission reports its accomplishments in a paragraph at the back of the Department of the Corporation Counsel's Annual Report.

Chair Marks reminded the Commission about voting for a new Chair during the December meeting. The EDLC confirmed that it would be on the December agenda.

After discussion, the Commission determined that the Strategic Planning Permitted Interaction Group did not need to meet again.

The EDLC stated that she would be out of town for a week to attend the Council on Government Ethics Laws conference around the time that meeting materials are finalized. She raised concern about completing planning work prior to the next meeting.

Chair Marks responded that there is no rush but the finalized plan should be sent to the unions and all agencies, with a copy of the Commission's annual report.

V. Adjournment

At 2:05 p.m. Vice Chair Lilly moved and Commissioner Monk seconded to adjourn the Ethics Commission meeting. The motion carried unanimously.